Office of The Ombudsman, Hong Kong, China

Enquiry and Complaint Hotline:
(852) 2629 0555

Website:
www.ombudsman.hk

Enquiry email:
enquiry@ombudsman.hk

Complaint email:
complaints@ombudsman.hk

Address:
30/F, China Merchants Tower,
Shun Tak Centre,
168–200 Connaught Road Central,
Hong Kong

Fax:
(852) 2882 8149

Post Box:
G.P.O. Box No. 3300,
Hong Kong

MIX
Paper from responsible sources
FSC™ C017167
FSC www.fsc.org

Have you ever felt aggrieved by the administrative action of a Government department or public organisation and looked for a complaint channel to voice your grievance? The function of The Ombudsman is to investigate complaints of maladministration. Where your complaint has a *prima facie* case, The Ombudsman will look into it with a view to redressing your grievance, and improving the efficiency and quality of service in the public sector.

01 What can The Ombudsman do for me?

The Ombudsman can:

- investigate complaints from aggrieved persons about alleged maladministration by the Government departments and public bodies listed in Part 1 of Schedule 1 to the Ombudsman Ordinance (Cap 397);
- investigate complaints against Government departments (including the organisations listed in Part 2 of Schedule 1) for non-compliance with the Code on Access to Information; and
- initiate, of her own volition, direct investigations into areas of suspected maladministration involving systematic problems or issues of significant public interest.

02 What is maladministration?

Broadly speaking, maladministration means poor, inefficient or improper administration. It may take many forms, which include:

- Abuse of power
- Delay/inaction
- Disparity in treatment, unfairness
- Error, wrong advice/decision
- Failure to follow procedures
- Faulty procedures
- Ineffective control
- Lack of response/reply to complainant/enquirer
- Negligence, omissions
- Poor staff attitude

03 Which are the organisations that I may complain against?

Complaints against maladministration:

- Government departments/agencies (except Hong Kong Auxiliary Police Force, Hong Kong Police Force, Independent Commission Against Corruption and Secretariat of the Public Service Commission);
- 27 major statutory organisations (Accounting and Financial Reporting Council, Airport Authority, Auxiliary Medical Service, Civil Aid Service, Competition Commission, Consumer Council, Employees Retraining Board, Equal Opportunities Commission, Estate Agents Authority, Hong Kong Arts Development Council, Hong Kong Examinations and Assessment Authority, Hong Kong Housing Authority, Hong Kong Housing Society, Hong Kong Monetary Authority, Hong Kong Sports Institute Limited, Hospital Authority, Insurance Authority, Kowloon-Canton Railway Corporation, Legislative Council Secretariat, Mandatory Provident Fund Schemes Authority, Office of the Privacy Commissioner for Personal Data, Property Management Services Authority, Securities and Futures Commission, Travel Industry Authority, Urban Renewal Authority, Vocational Training Council and West Kowloon Cultural District Authority).

Complaints against breach of the Code on Access to Information:

- Government departments/agencies, including Hong Kong Auxiliary Police Force, Hong Kong Police Force, Independent Commission Against Corruption and Secretariat of the Public Service Commission.

04 How will The Ombudsman handle my complaint?

- All complaints will be treated in the strictest confidence.
- The Ombudsman will examine whether she is empowered to act on your complaint according to the provisions of The Ombudsman Ordinance, including whether there is a *prima facie* case to warrant investigation.
- If yes, The Ombudsman will decide whether a full investigation is necessary or whether your complaint can be resolved more suitably and expeditiously by way of inquiry or mediation.
- You will be advised of the results of the investigation or the reason for not pursuing your complaint.
- In the course of investigation, if The Ombudsman identifies faults in the administrative action/system, she may make recommendations to correct them, such as reviewing a decision, changing the procedures or suggesting remedies.

05 How to lodge a complaint with The Ombudsman?

Complainants can lodge complaints to the Office by the following methods:

In writing

By online complaint form
https://www.ombudsman.hk/onlinecomplaintform/

By email
complaints@ombudsman.hk

By postage-free complaint form
Available at the Office of The Ombudsman and District Offices of the Home Affairs Department

By post
30/F, China Merchants Tower,
Shun Tak Centre, 168–200 Connaught Road Central, Hong Kong
OR
G.P.O. BOX No. 3300, Hong Kong

By fax
(852) 2882 8149

In person

30/F, China Merchants Tower, Shun Tak Centre, 168–200 Connaught Road Central, Hong Kong

Through telephone write-up service

(852) 2629 0555

We can offer telephone write-up service if you cannot properly express your complaint in writing.

If your complaint is simple and fairly self-evident, involves not more than two organisations under complaint, and can be explained over the phone in less than 15 minutes, you can also request the telephone write-up service.

06 What are the complaint handling methods?

The Office adopts the following methods to deal with complaints received:

Inquiry

The Ombudsman may conduct an inquiry to resolve general complaints more speedily. She will ask the organisation under complaint to respond to her and, if she thinks fit, the complainant in parallel. She will examine such response, the complainant's view on it, if applicable, together with any other relevant information or evidence collected. She will, in conclusion, present her findings to the complainant and make suggestions to the organisation for remedy or improvement where necessary. Where deeper and fuller probing is needed before the case can be concluded, she will start a full investigation.

Mediation

For cases involving only minor or no maladministration, The Ombudsman may resolve them by mediation after obtaining the consent of both the complainant and the organisation under complaint. The two parties will meet to explore a mutually acceptable solution, with an investigator trained in mediation from the Office acting as impartial mediator.

Full Investigation

Where a complaint involves issues of principle, systemic flaws or serious maladministration, The Ombudsman will conduct a full investigation, with prior notice to the head of the organisation under complaint. A full investigation is an in-depth inquiry and usually involves the making of recommendations upon conclusion to the head of the organisation for improvement or remedy.

07 What are the circumstances where complaints are not followed up or investigated?

The following actions stated in Schedule 2 of the Ordinance are not subject to The Ombudsman's investigation:

- Security, defence or international relations
- Legal proceedings or prosecution decisions
- Exercise of powers to pardon criminals
- Contractual or other commercial transactions
- Personnel matters
- Grant of honours, awards or privileges by Government
- Actions by the Chief Executive personally
- Imposition of variation of conditions of land grant
- Actions in relation to Hong Kong Codes on Takeovers and Mergers and Share Buy-backs
- Crime prevention and investigation actions by Hong Kong Auxiliary Police Force, Hong Kong Police Force or Independent Commission Against Corruption

There are statutory restrictions on The Ombudsman's investigation. Section 10(1) of the Ordinance also prescribes circumstances under which The Ombudsman shall not conduct an investigation:

- Complainant having knowledge of subject of complaint for more than two years
- Complaint made anonymously
- Complainant not identifiable or traceable
- Complaint not made by person aggrieved or suitable representative
- Subject of complaint and complainant having no connection with Hong Kong
- Statutory right of appeal or remedy by way of legal proceedings (except judicial review) being available to complainant

When you lodge a complaint, please be sure that:

- ✔ You are the aggrieved person
- ✔ The department/organisation under complaint is within our jurisdiction
- ✔ The complaint is not under our restricted circumstances
- ✔ Your name, postal address and contact methods are provided

(last updated in April 2023)